

AMENDED IN ASSEMBLY MAY 10, 2010

AMENDED IN SENATE MARCH 22, 2010

SENATE BILL

No. 1190

Introduced by Senator Cedillo

February 18, 2010

An act to amend Section 12002 of the Penal Code, relating to animal control officers.

LEGISLATIVE COUNSEL'S DIGEST

SB 1190, as amended, Cedillo. Animal control officers: *illegal dumping enforcement officers*; baton training.

Under existing law, animal control officers *and illegal dumping enforcement officers* are not peace officers but may exercise the powers of arrest and, *in the case of animal control officers*, the power to serve warrants if the officers have completed an introductory course of training prescribed by the Commission on Peace Officer Standards and Training. Under existing law an animal control officer *or an illegal dumping enforcement officer* may carry a wooden club or baton if the officer has completed a course certified by the Department of Consumer Affairs in the carrying or use of the club or baton.

This bill would remove the requirement that animal control officers *and illegal dumping enforcement officers* complete training certified by the Department of Consumer Affairs in order to be permitted to carry a club or baton and would instead require the officers to complete training approved by the Commission on Peace Officer Standards and Training in the carrying and use of the club or baton in order to carry a club or baton.

Vote: majority. Appropriation: no. Fiscal committee: no.
State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. Section 12002 of the Penal Code is amended to
2 read:

3 12002. (a) Nothing in this chapter prohibits police officers,
4 special police officers, peace officers, or law enforcement officers
5 from carrying any wooden club, baton, or any equipment
6 authorized for the enforcement of law or ordinance in any city or
7 county.

8 (b) Nothing in this chapter prohibits a uniformed security guard,
9 regularly employed and compensated by a person engaged in any
10 lawful business, while actually employed and engaged in protecting
11 and preserving property or life within the scope of his or her
12 employment, from carrying any wooden club or baton if the
13 uniformed security guard has satisfactorily completed a course of
14 instruction certified by the Department of Consumer Affairs in the
15 carrying and use of the club or baton. The training institution
16 certified by the Department of Consumer Affairs to present this
17 course, whether public or private, is authorized to charge a fee
18 covering the cost of the training.

19 (c) The Department of Consumer Affairs, in cooperation with
20 the Commission on Peace Officer Standards and Training, shall
21 develop standards for a course in the carrying and use of the club
22 or baton.

23 (d) Any uniformed security guard who successfully completes
24 a course of instruction under this section is entitled to receive a
25 permit to carry and use a club or baton within the scope of his or
26 her employment, issued by the Department of Consumer Affairs.
27 The department may authorize certified training institutions to
28 issue permits to carry and use a club or baton. A fee in the amount
29 provided by law shall be charged by the Department of Consumer
30 Affairs to offset the costs incurred by the department in course
31 certification, quality control activities associated with the course,
32 and issuance of the permit.

33 (e) Any person who has received a permit or certificate which
34 indicates satisfactory completion of a club or baton training course
35 approved by the Commission on Peace Officer Standards and
36 Training prior to January 1, 1983, shall not be required to obtain
37 a baton or club permit or complete a course certified by the
38 Department of Consumer Affairs.

1 (f) Any person employed as a county sheriff's or police security
2 officer, as defined in Section 831.4, shall not be required to obtain
3 a club or baton permit or to complete a course certified by the
4 Department of Consumer Affairs in the carrying and use of a club
5 or baton, provided that the person completes a course approved
6 by the Commission on Peace Officer Standards and Training in
7 the carrying and use of the club or baton, within 90 days of
8 employment.

9 (g) Nothing in this chapter prohibits an animal control officer,
10 as described in Section 830.9, from carrying any wooden club or
11 baton if the animal control officer has satisfactorily completed the
12 course of training approved by the Commission on Peace Officer
13 Standards and Training in the carrying and use of the club or baton
14 pursuant to subdivision (f). A training institution approved by the
15 commission to present this course, whether public or private, is
16 authorized to charge a fee covering the cost of the training.

17 ~~(h) Nothing in this chapter prohibits an illegal dumping~~
18 ~~enforcement officer, as described in Section 830.7, from carrying~~
19 ~~any wooden club or baton if the illegal dumping enforcement~~
20 ~~officer has satisfactorily completed a course of instruction certified~~
21 ~~by the Department of Consumer Affairs in the carrying and use of~~
22 ~~the club or baton. The training institution certified by the~~
23 ~~Department of Consumer Affairs to present this course, whether~~
24 ~~public or private, is authorized to charge a fee covering the cost~~
25 ~~of the training. as described in Section 830.9, or an illegal dumping~~
26 ~~enforcement officer, as described in Section 830.7, from carrying~~
27 ~~any wooden club or baton if the animal control officer or illegal~~
28 ~~dumping enforcement officer has satisfactorily completed the~~
29 ~~course of instruction certified by the Commission on Peace Officer~~
30 ~~Standards and Training in the carrying and use of the club or~~
31 ~~baton. The training institution certified by the Commission on~~
32 ~~Peace Officer Standards and Training to present this course,~~
33 ~~whether public or private, is authorized to charge a fee covering~~
34 ~~the cost of the training.~~